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Response under 37 CFR 1.116
Expedited Procedure – Examining Group 1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Michael G. Hayek
Serial No. : 09/291,227
Filed : April 13, 1999
Title : LUTEIN-CONTAINING SUPPLEMENT AND PROCESS FOR
ENHANCING IMMUNE RESPONSE IN ANIMALS
Docket No. : IAM 0467 PA
Examiner : S. Wang
Art Unit : 1617
Confirmation No. : 1823

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX AF

Sir:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 5, 2001.	
<i>Susan M. Anna</i>	
Agent	Reg. No. 38,769

REQUEST FOR RECONSIDERATION

This paper is being filed in response to the Office Action mailed September 14, 2001. Reconsideration and reexamination are respectfully requested in light of the terminal disclaimer submitted herewith and the remarks below, which are believed to place the application in condition for allowance or at least materially reduce the issues for appeal.

REMARKS

In the latest Office Action, the Examiner maintained the rejection of claims 1-12 and 14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,133,323 to Hayek. Applicant maintains that there is no teaching or suggestion in Hayek of administering the claimed dosage of lutein. However, in order to obviate the rejection, applicant is submitting herewith a properly executed terminal disclaimer.

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